



*Id.* at 2-3.<sup>1</sup> This contention is well-taken. The Oklahoma County Jail does not have a legal identity separate from that of Oklahoma County. Consequently, the Oklahoma County Jail is not a suable entity, and is not a proper defendant in a § 1983 action. *See Aston v. Cunningham*, No. 99-4156, 2000 WL 796086, at \*4 n.3 (10th Cir. June 21, 2000) (unpublished op.). Therefore, any claims against it should be dismissed.

### **RECOMMENDATION AND NOTICE OF RIGHT TO OBJECT**

Because there is no set of circumstances under which Plaintiff would be entitled to relief against named Defendant Oklahoma County Jail, it is recommended that Defendant Oklahoma County Jail's motion to dismiss [Doc. No. 19] be granted and that Plaintiff's complaint against it be dismissed with prejudice.

The parties are advised of their right to file an objection to this Report and Recommendation with the Clerk of this Court by August 28, 2012, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. The parties are further advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F. 2d 656 (10th Cir. 1991).

This Report and Recommendation and today's separate Report regarding Plaintiff's claims against Defendant Hansen dispose of all issues referred to the undersigned Magistrate Judge in this matter.

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<sup>1</sup>Defendant Oklahoma County Jail correctly points out that it has not been served [Doc. No. 19, n.1].

ENTERED this 8<sup>th</sup> day of August, 2012.

  
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BANA ROBERTS  
UNITED STATES MAGISTRATE JUDGE